

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

IN RE: MONITRONICS
INTERNATIONAL, INC.,
TELEPHONE CONSUMER
PROTECTION ACT LITIGATION

MDL NO. 1:13MD2493

THIS DOCUMENT RELATES TO ALL CASES

Proposed Stipulation

The parties stipulate to a stay of proceedings in this case subject to the exceptions noted below. The stay shall expire when the Supreme Court decides or otherwise disposes of the pending certiorari proceedings in *Campbell-Ewald Co. v. Gomez*, 768 F.3d 871 (9th Cir. 2014), *cert. granted*, No. 14-857, 2015 WL 246885 (May 18, 2015) and *Robins v. Spokeo, Inc.*, 742 F.3d 409 (9th Cir. 2014), *cert. granted*, 135 S. Ct. 1892 (2015).

The exceptions to the stay are as follows:

1. Honeywell:
 - a. Honeywell will produce all contracts between it and Monitronics that were in effect anytime from 2005 through the present.
 - b. By July 8, 2015, Honeywell will produce a complete privilege log that complies with this Court's local rules.
2. Monitronics:
 - a. As agreed on June 1 before the status conference call, Monitronics will produce a privilege log by June 10, 2015 regarding all privileged or redacted documents produced to date; complete all production of documents by

June 17, 2015; and provide a supplemental privilege log regarding any documents produced on June 17 by June 22, 2015.

- b. Monitronics will produce the documents produced in 18727-20245 in native format, which were originally produced in accordance with the provisions of the parties' original Rule 26(f) report. To the extent Plaintiffs identify other specific documents which they seek to have produced in native format, Monitronics will consider that request.
- c. Monitronics will not oppose the transfer of the motion to compel filed in the United States District Court of the Northern District of Georgia regarding certain documents identified as responsive to the subpoena served on CompliancePoint. If transferred, however, that motion will be subject to this stipulated stay.
- d. The parties are currently in a discovery dispute as to the scope of redactions in Monitronics' document production. Notwithstanding the entry of a stay, counsel for Plaintiffs and Monitronics will be obligated to meet and confer in good faith over the next 30 days pursuant to Federal Rule of Civil Procedure 37(a)(1) and Local Rule of Civil Procedure 26.04(b) in an effort to resolve their dispute on the scope of the redactions. The meet and confer period may be extended by agreement of the parties. In the event the parties are unable to reach an agreement after good faith discussions, the Plaintiffs reserve the right to seek relief from the Court upon the lifting of this stipulated stay.
- e. All other discovery disputes between the parties are subject to the stay.

3. ISI:

- a. Jason Waller and Kevin Klink, may be deposed with respect to telemarketing campaigns directly initiated by ISI.

4. Alliance:

- a. Alliance will respond to the outstanding discovery requests that have been served on it.
- b. Notwithstanding the entry of a stay, counsel for Plaintiffs and Alliance will be obligated to meet and confer in in good faith over the next 30 days pursuant to Federal Rule of Civil Procedure 37(a)(1) and Local Rule of Civil Procedure 26.04(b) in an effort to resolve any discovery disputes. In the event the parties are unable to reach an agreement after good faith discussions, the Plaintiffs reserve the right to seek relief from the Court upon the lifting of this stipulated stay.
- c. All other discovery disputes between the parties are subject to the stay.
- d. Alliance will respond to any supplemental statement related to any new telemarketing calls received by any of the Plaintiffs from Alliance of any third party that the Plaintiff alleges makes a call on behalf of Alliance.
- e. With respect to telemarketing calls placed to any Plaintiff in any case transferred into this MDL while this stay is in effect, Plaintiffs may serve written discovery on Alliance designed to identify the entity that placed the call and to obtain call records respecting the call.

5. UTCFS

- a. By July 8, 2015, UTCFS will provide a privilege log respecting any documents for which UTCFS has asserted privilege and has not yet included on a privilege log.

6. Third-party discovery:

- a. Plaintiffs may serve third-party subpoenas (and follow up on existing subpoenas) directed to entities that have information and documents regarding telemarketing campaigns. By stipulating to this exception, however, Defendants are not precluded from challenging any individual subpoena or the use of any documents or information which might be obtained in response.

7. Discovery disputes. The parties reserve their right to litigate discovery disputes upon the lifting of this stay.

By entering into this Stipulation, no party waives any argument respecting the validity or effect of the various offers of judgment made to certain Plaintiffs by certain Defendants.

Agreed and stipulated this 15th day of June, 2015.

/s/ John W. Barrett
John W. Barrett (#7289)
Jonathan R. Marshall (#10580)
BAILEY & GLASSER LLP
209 Capitol Street
Charleston, WV 25301
Telephone: (304) 345-6555
Facsimile: (304) 342-1110
Email: jbarrett@baileyglasser.com
Email: jmarshall@baileyglasser.com

Beth E. Terrell
Mary B. Reiten
TERRELL MARSHALL DAUDT
& WILLIE PLLC
936 North 34th Street, Suite 300
Seattle, WA 98103-8869
Telephone: (206) 816-6603
Facsimile: (206) 350-3528
Email: bterrell@tmdwlaw.com
Email: mreiten@tmdwlaw.com

Co-Lead Counsel for Plaintiff

/s/ Jeffrey A. Holmstrand _____
Jeffrey A. Holmstrand
Flaherty Sensabaugh & Bonasso PLLC
1225 Market Street
Wheeling, WV 25003
Telephone: (304) 230-6600
Email: jholmstrand@fsblaw.com

*Counsel for Monitronics International, Inc.
and Liaison Counsel for Defendants*

Meryl C. Maneker
Wilson Turner Kosmo LLP
550 West C Street, Suite 1050
San Diego, CA 22101
Telephone: (619) 236-9600
Facsimile: (619) 236-9669
Email: mmaneker@silsonturnerkosmo.com

Benjamin Dyer
Culp & Dyer, LLP
222 East McKinney St., Suite 210
Denton, TX 76201
Telephone: (940) 484-2236
Email: bdyer@cdhllp.com

/s/ John R. Teare

John R. Teare, Jr.
Niall A. Paul
Clifford F. Kinney, Jr.
Spilman Thomas & Battle PLLC
300 Kanawha Blvd., East
Charleston, W 25321-0273
Telephone: (304) 340-3800
Facsimile: (304) 340-3801
Email: jteare@spilmanlaw.com
Email: npaul@spilmanlaw.com
Email: ckinney@spilmanlaw.com

Christina S. Terek
Spilman Thomas & Battle PLLC
P.O. Box 831
1233 Main Street
Wheeling, WV 26003
Telephone: (304) 230-6950
Facsimile: (304) 230-6951
Email: cterek@spilmanlaw.com

Counsel for Alliance Security, LLC and Versatile Marketing Solutions, Inc.

/s/ Robert B. Newkirk

Robert B. Newkirk, III
NEWKIRK LAW OFFICE, P.A.
P.O. Box 2536
Cornelius, NC 28031
Telephone: (704) 892-5898
Facsimile: (704) 892-5633
Email: Robert@newkirklawoffice.com

Jonathan W. Price
The Bell Law Firm PLLC
P.O. Box 1723
Charleston, WV 25326
Telephone: (304) 345-1700
Facsimile: (304) 345-1715

Counsel for ISI Alarms NC, Inc., Kevin Klink, Jayson Waller

/s/ Lauri A. Mazzuchetti

Lauri A. Mazzuchetti

Michael Innes

Kelley Drye & Warren

One Jefferson Road, 2nd Floor

Parsippany, NJ 07054

Telephone: (973) 593-5900

Facsimile: (973) 503-5950

Email: lmazzuchetti@kelleydrye.com

Email: mmines@kelleydrye.com

Alexander Macia

Leah P. Macia

Charity K. Lawrence

Spilman Thomas & Battle PLLC

300 Kanawha Blvd., East

P.O. Box 273

Charleston, WV 25321

Telephone: (304) 340-3800

Facsimile: (304) 340-3801

Email: amacia@spilmanlaw.com

Email: lmacia@spilmanlaw.com

Email: clawrence@spilmanlaw.com

Alysa Hutnik

Kelley Drye & Warren

Washington Harbour, Suite 400

3050 K Street, N.W.

Washington, DC 20007

Telephone: (204) 342-8603

Facsimile: (202) 342-8451

Email: ahutnik@kelleydrye.com

Counsel for Honeywell International, Inc.

/s/ Gordon H. Copland

Gordon H. Copland
Christopher A. Lauderman
Steptoe & Johnson, PLLC
400 White Oaks Blvd.
Bridgeport, WV 26330
Telephone: (304) 933-8162
Facsimile: (304) 933-8183
Email: Gordon.Copland@steptoe-johnson.com
Email: chris.lauderman@steptoe-johnson.com

Karen E. Kahle
William D. Wilmoth
Kristen Andrews Wilson
Steptoe & Johnson, PLLC
P.O. Box 751
Wheeling, W 26003
Telephone: (304) 235-0441
Facsimile: (304) 233-0014
Email: karen.kahle@steptoe-johnson.com
Email: william.wilmoth@steptoe-johnson.com
Email: Kristen.andrews-wilson@steptoe-johnson.com

Jeffrey Lee Poston
Crowell & Moring, LLP
1001 Pennsylvania Ave., N.W.
Washington, DC 20004-2595
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
Email: jposton@crowell.com

Counsel for UTC Fire & Security Americas Corp., Inc.

CERTIFICATE OF SERVICE

I, John W. Barrett, hereby certify that on June 15, 2015, I caused to be filed the foregoing Proposed Stipulation with the Clerk of the Court using the CM/ECF System, which caused a true and accurate copy of such filing to be served upon all attorneys of record.

/s/ John W. Barrett
John W. Barrett